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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,247	06/16/2005	Anne E. Gattiker	BUR920020068US1	9258

45094 7590 01/22/2007
HOFFMAN, WARNICK & D'ALESSANDRO LLC
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EXAMINER

NGUYEN, VINH P

ART UNIT	PAPER NUMBER
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2829

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/539,247	GATTIKER ET AL.	
	Examiner	Art Unit	
	VINH P. NGUYEN	2829	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-33 is/are pending in the application.
- 4a) Of the above claim(s) 3,5-9,11 and 15-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,10,12-14 AND 32-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06/09/06</u> | 6) <input type="checkbox"/> Other: _____ |

1. Claims 3,5-9 and 11 have been withdrawn from consideration because :

Claim 3 is drawn to a different modifying and determining steps which are different from the modifying and determining steps in claim 1. therefore this claim is withdrawn from consideration.

Claims 5,6 is drawn to a different determining steps\ which is different from the determining steps in claim 1, therefore these claims are withdrawn from consideration. Since claims 8-9 depend from claim 6, these claims 8-9 are also withdrawn together with claims 5-6.

Claims 7 and 11 are drawn to a different modifying step which is different from the modifying step in claim 1, therefore these claims are withdrawn from consideration.

2. Since claim 32 is has the same limitation as claim 1, this claim and its dependent claim 33 are examined together with claims 1,4,10,13-14.

3. Applicant's election with traverse of species I including claims 1,20,13-14 in the reply filed on 09/06/06 is acknowledged. The traversal is on the ground(s) that claims 4-9 are generic and the search for all the claims are the same. This is not found persuasive because each of the limitations of non-elected claims 3,5-9,11,15-31 has distinct method steps from each other. Furthermore, Applicants have not admitted on the record that the inventions are not patentably distinct. Upon Applicants' admission, all claims will be examined and if examiner finds one of the invention unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 USC 103(a) of the other inventions.

The requirement is still deemed proper and is therefore made FINAL.

Art Unit: 2829

4. Claims 3,5-9,11,15-31 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 09/06/06.

5. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 1,4,10,12-14 and 32-33 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The determining step as recited in the instant claim 1,4,10,12-14, and 32-33 do not have tangible results.

8. The search for the prior art has been performed. However, there is no relevant arts found to meet the limitations of those instant claims 1,2-4,10,12-14 and 32-33.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hart et al (Pat # 6,777,978 disclose structure and method for selectively applying well bias to portions of a programmable device.

Houstpm et al (Pat # 6,900,656) disclose method of testing an integrated circuit and an integrated circuit test apparatus.

Vogelsang (Pat # 7,060,566) disclose standby current reduction over a process window with a trimmable well bias.

Ward et al (Pub. No. 2006/0220726) disclose system, method and program product for well bias set point adjustment.


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VINH P. NGUYEN whose telephone number is 571-272-1964. The examiner can normally be reached on 6:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, HA T. NGUYEN can be reached on 571-272-1678. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

Art Unit: 2829

like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


VINH P NGUYEN
Primary Examiner
Art Unit 2829
01/07/07